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09/466,124	12/21/1999	MITCH A. BRISEBOIS	71493-591	9802

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EXAMINER

HOM, SHICK C

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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02/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/466,124

Applicant(s)

BRISEBOIS ET AL.

Examiner

Shick C. Hom

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 9, 11-15, 22-24, 26-28, 30-31, 36-38, 40-42, 44, 45, 47, 48, 50, and 54 is/are rejected.
- 7) ☒ Claim(s) 4, 6-8, 10, 16-21, 25, 29, 32-35, 39, 43, 46, 49, 51-53 and 55 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-55 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 5, 11-15, 22-24, 26-27, 28, 36-38, 40-42, 44-45, 47-48, and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Sigler et al. (6,477,370).

Regarding claims 1, 11, 12, 22, 26, 28, 36, 40, 44, and 45:

Sigler disclose a method for controlling data unit communications between a plurality of mobile stations in a network comprising:

enabling grouping of at least two of the plurality of mobile stations as members of a private network group; and

enabling determination of whether a first mobile station and a second mobile station are members of the private network group (the abstract recite the controller for providing communication between multiple users in a closed user group arrangement in a mobile communication system); and

enabling communication of data units from the first mobile station to the second mobile station through a maintained communication link between the first mobile station and the second mobile station that, once established is maintained throughout a session (col. 9 lines 6-63 recite the integrated mobile telephone system, typically used by public services and law enforcement agencies, behaving like a radio multi-party line whereby each party of the closed user group CUG can transmit and receive from other member of the group; and col. 31 line 66 to col. 32 line 11 recite transmission being enabled only

if the mobile terminal is a member of the closed user group
network identifier NET ID);

wherein communications is between a first set of at
least one mobile telephone station and a second set of at
least one fixed wire telephone station (Fig. 1 shows the
mobile users and the PSTN, i.e. fixed wire telephone
station as in claim 12).

Regarding claims 2-3, 5, 13-15, 23-24, 37-38, 41-42, 47-48,
50:

Sigler disclose wherein each of the mobile stations
has a corresponding Home Location Registration (HLR) or
node registration;

the enabling grouping of at least two of the plurality
of mobile stations as members of a private network group
comprises enabling listing of the HLRs or node registration
of the at least two mobile stations within a private
network group table; and

the enabling determination of whether a first mobile
station and a second mobile station are members of the
private network group comprises enabling determination of
whether, the HLRs or node registration of the first and
second mobile stations are both listed within the private
network group table (col. 37 line 64 to col. 38 line 11 and

col. 38 lines 45-59 recite the user validation process includes registration of the mobile terminal and whereby the mobile terminal registers to become a subscriber of the system by sending registration information which are entered into the management information system; col. 43 lines 37-41 and col. 52 line 51 recite the serial number of the mobile terminal used by the home cellular carrier and the Home Location Register HLR; further, col. 31. lines 22-32 recite checking whether the received NET ID matches the NET IDs assigned to the mobile terminal and if it does not match ignoring the reception).

Regarding claim 27:

Sigler disclose wherein at least one of the plurality of apparatus is a server coupled to a Local Area Network LAN (Fig. 1 shows the gateway station coupled to the PSTN reads on a server coupling to a LAN).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 9 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sigler et al. (6,477,370) in view of Hall et al. (6,032,051).

Sigler et al. disclose the wireless network described in paragraph 3 of this office action. Sigler et al. disclose all the subject matter of the claimed invention with the exception of means for sending a bandwidth request

signal prior to enabling communications of the data unit if the second mobile station has insufficient bandwidth capabilities to receiver the data unit on the respective maintained communication link of the second mobile station as in claims 9, 54.

Hall et al. from the same or similar fields of endeavor teach that it is known to provide the means for sending a bandwidth request signal prior to enabling communications of the data unit if the second mobile station has insufficient bandwidth capabilities to receiver the data unit on the respective maintained communication link of the second mobile station (see col. 1 lines 53-67 which recite checking status of group member to determine whether or not the group member is busy reads on sending a request signal prior to enabling communications as in claims 9, 54).

Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the means for sending a bandwidth request signal prior to enabling communications of the data unit if the second mobile station has insufficient bandwidth capabilities to receiver the data unit on the respective maintained communication link of the second mobile station

as taught by Hall et al. in the communications system and method of Sigler et al. The means for sending a bandwidth request signal prior to enabling communications of the data unit if the second mobile station has insufficient bandwidth capabilities to receiver the data unit on the respective maintained communication link of the second mobile station can be implemented by connecting means for sending a bandwidth request signal of Hall et al. to the system and control of Sigler et al. The motivation for connecting the means for sending a bandwidth request signal as taught by Hall et al. in the communication system and method of Sigler et al. being that it provides more reliability for the system since sufficient bandwidth capabilities is guaranteed before enabling communication to the second station.

6. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sigler et al. (6,477,370) in view of Fraccaroli (6,549,768).

Sigler et al. disclose the wireless network described in paragraph 3 of this office action. Sigler et al. disclose all the subject matter of the claimed invention

with the exception of a mobile switching center in communication with the apparatus and the radio network controller, the mobile switching center comprising means for controlling the switching operations of the wireless network within a predefined cell cluster as in claim 30.

Fraccaroli from the same or similar fields of endeavor teach that it is known to provide the mobile switching center in communication with the apparatus and the radio network controller, the mobile switching center comprising means for controlling the switching operations of the wireless network within a predefined cell cluster (Fig. 1 shows the server 106 coupled to the network and the mobile switching center 104 for controlling the switching operations; further Fig. 1 shows the mobile switching center 104 in communication with the base station controller BSC as recited in col. 3 lines 56-63).

Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the mobile switching center in communication with the apparatus and the radio network controller, the mobile switching center comprising means for controlling the switching operations of the wireless network within a predefined cell cluster as taught by

Fraccaroli in the apparatus for group calls of Sigler et al.

The motivation for providing the mobile switching center in communication with the apparatus and the radio network controller, the mobile switching center comprising means for controlling the switching operations of the wireless network within a predefined cell cluster as taught by Fraccaroli in the apparatus for grouping calls of Sigler et al. being that it provides more efficiency of design by using the mobile switching center for controlling the switching operations of the wireless network within a predefined cell cluster.

7. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sigler et al. (6,477,370) in view of Hamalainen et al. (6,249,584).

Sigler et al. disclose the wireless network described in paragraph 3 of this office action. Sigler et al. disclose all the subject matter of the claimed invention with the exception of wherein at least one of the mobile stations comprises a personal computer with a wireless modem.

Hamalainen et al. from the same or similar fields of endeavor teach that it is known to provide at least one of the mobile stations comprising a personal computer with a wireless modem (see col. 6 lines 24-60). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide at least one of the mobile stations comprising a personal computer with a wireless modem as taught by Hamalainen et al. in the wireless network of Sigler et al. The at least one of the mobile stations comprising a personal computer with a wireless modem can be implemented by connecting the personal computer with a wireless modem of Hamalainen et al. in the mobile station of Sigler et al. The motivation for providing at least one of the mobile stations comprising a personal computer with a wireless modem as taught by Hamalainen et al. in the wireless network of Sigler et al. being that it provides the added feature of connecting a personal computer or data terminal into the wireless network of Sigler et al.

Allowable Subject Matter

8. Claims 4, 6-8, 10, 16-21, 25, 29, 32-35, 39, 43, 46, 49, 51-53, and 55 would be allowable if rewritten to

include all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Widergen et al. disclose a mobile telecommunications network having integrated wireless office system. Note that col. 17 lines 33-52 recite the closed user group whereby outside calls are barred.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pham Chi can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SH

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CHI PHAM
SUPERVISORY PATENT EXAMINER

2/8/08